

Remarks

The Examiner objected to claims 13 and 14 as being substantially duplicative of claims 3 and 11, respectively. Claims 16 and 17 were objected to for similar reasons. Applicants agree that, as stated in the office action, "it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim." Therefore, Applicants submit that these objections are premature and that they should be held in abeyance until one of the claims are allowed, at which point Applicants will cancel all duplicative claims.

Applicants enclose a newly executed oath identifying this application by serial number and filing date.

The Examiner rejected claims 1-17 under 35 USC 112 as being indefinite because the claims do not specify whether or not the electrolyte 30 is spaced apart from the substrate in the areas of where the conductive film is located or elsewhere. Applicants submit the electrolyte 30 is spaced apart from the substrate at all locations and not only in the areas where the conductive film is located. Because the electrolyte does not contact the substrate in areas where the film is absent, as indicated in the office action, and because the claims specify the electrolyte is spaced apart from the substrate, Applicants submit no amendments are necessary as the claims are consistent with the figures. With respect to the other 112 rejections based on whether or not the notch holds gas and film receives gas, Applicants amended the applicable claims to obviate the rejections.

The Examiner rejected claims 1-4, 6, 8, 9, 13, and 15 under 35 USC 102 as being anticipated by U.S. Patent 6,218,036 to Shiratori ("Shiratori") and claims 1, 3, 4, 6-9,

and 11-17 under 35 USC 102 as being anticipated by U.S. Patent 5,492,611 to Sugama ("Sugama").

All claims require, among other elements, a substrate, an electrolytic material spaced apart from the substrate, and a film of electrode material between and in contact with both the substrate and electrolytic material. Neither Shiratori nor Sugama discloses a film of electrode material placed in contact with both the substrate and electrolytic material, as required in all of Applicants' claims, and therefore cannot anticipate Applicants' invention.

Shiratori requires a charge collector be placed between the electrode 7 or 9 and the separator, which the Examiner equates to Applicants' substrate. Hence, the electrode cannot be in contact with the separator or substrate, as claimed in all of Applicants' claims. Because Shiratori's teaching of a charge collector between the electrode 7 or 9 and separator is away from Applicants' film of electrode material being in contact with the substrate, Shiratori does not anticipate Applicants' claimed invention and the rejections should be withdrawn.

Sugama requires an insulating layer 203 be placed between the electrode 204 or 205 and substrate 201. Hence, the electrode cannot be in contact with the substrate, as claimed in all of Applicants' claims. Because Sugama's teaching of an insulating member between the electrode and substrate is away from Applicants' film of electrode material being in contact with the substrate, Sugama does not anticipate Applicants' claimed invention and the rejections should be withdrawn.

In view of the above amendments and remarks that are directed to all of the independent claims, which Applicants submit are allowable over the cited art, all claims depending from the independent claims should also be allowable. Therefore, the rejections under 35 USC 103 that are directed to dependent claims should be withdrawn.

Respectfully submitted,



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